



#27/Reconsideration
T. Hobert H. Brown
9/5/01
Practitioner's Docket: Stout-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
SEP 04 2001
Group 2100

In re patent application of:
Wesley Stout III

Serial No. 09/100,934

Filed: June 22, 1998

Title: DATE FORMATTING SYSTEM

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) Before the Examiner:
) Thuy Pardo
)

) Group Art Unit: 2771
)

) August 29, 2001
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AMENDMENT AFTER SECOND OFFICE ACTION

Box AF
Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Second Office Action dated August 13, 2001, please consider the following. Additionally, please provide any extensions of time, which may be necessary and charge any fees, which may be due to Deposit Account No. 02-0390, but not to include payment of issue fees.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

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August 29, 2001

By: Susan Blumer

Susan Blumer

Reconsideration of the present application is earnestly requested. The application includes two claims, each directed to a series of operational steps to be performed by the computer. In claim 5, the central element is adding 635 to the sum of two date representations. Claim 6 concerns subtracting the number 635 from the sum following subtraction of two date representations.

Each of these claims has been rejected as obvious in view of the patent of Adamchick. As acknowledged in the action, Adamchick does not explicitly teach adding or subtracting the integers of two date files and optionally adding or subtracting the number 635 from the resulting sum. As Applicant has consistently argued throughout the prosecution of this case, this critical step of Applicant's invention is missing, not only in Adamchick, but also in all of the prior art that has been made of record in this case.

In spite of this lack of teaching in Adamchick, a position has been taken in the Office Action that adding an integer to other numbers to generate a sum is well known in the art. The only examples given of this "well-known" aspect is an odometer or a modulo-type register having a limited number of digits. In the example, a three-digit register was described.

The use of an odometer or similar type register is inapplicable to the present invention. With an odometer or any other type of modulo-based register, the number displayed by the register is limited to a nine in each of the digit spots. After the odometer or register is full, the next increment yields a zero value in each of the registered digits. However, the present invention does not simply contemplate a three-digit register of either modulo-1,000 or modulo 365. Instead, the date files include not only a three-digit decimal day representation, but also a separate four-digit decimal year representation. As claims 5 and 6 each point out, the 7 integers of each of the date files is added or subtracted, and then the number 365 is optionally added or subtracted from the result of this 7 digit operation. Thus, the analogy of an odometer or modulo register is clearly inappropriate with respect to this invention. Moreover, even if this modulo

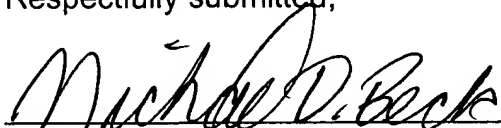
register analogy were combined with Adamchick it still would not yield Applicant's claimed series of operational steps.

A further error in the claimed "well-known" register system resides in the example itself. It is acknowledged that adding five to the number 364 would yield the result 369 and not the desired value of four days. However, when making date calculations using Applicant's seven-digit decimal representation, the desired result is not simply 004. Instead, the desired result is not only the number of days, but also the number of years involved in the calculation. The modulo example set forth in the Office Action would truncate the result to only the number of days generated by the addition or subtraction operation. This is clearly not what is intended by the invention of Applicant's claims 5 and 6.

While Applicant does not dispute the well-known nature of odometers and modulo-based registers, Applicant does dispute the applicability of these registers to the present invention. The non-obviousness of the invention of Applicant's claims 5 and 6 is most clearly demonstrated by the fact that further modification is necessary to the "well-known" features asserted in the Office Action. In other words, only with further modification can the asserted modulo-based registers be transformed into something that could potentially be combined with the teachings of Adamchick to possibly suggest Applicant's claimed invention. Of course, the definition of obviousness under the U.S. Patent Laws does not extend to such a far-reaching, speculative, and hindsight based construction.

It is, therefore, respectfully requested that the rejections of claims 5 and 6 be withdrawn and this claims be passed to issuance in due course. The Examiner is invited to contact the undersigned agent of record to address any outstanding issues that might otherwise stand in the way of allowance of the new claims of the present application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael D. Beck", is written over a horizontal line.

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AF/2771



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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>		Application Number	09/100,934
		Filing Date	June 22, 1998
		First Named Inventor	Wesley Stout III
		Group Art Unit	2771
		Examiner Name	Thuy Pardo
Total Number of Pages in This Submission	5	Attorney Docket Number Stout-1	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael D. Beck; Baker & Daniels, 300 N. Meridian St., Indianapolis, IN 46204
Signature	<i>Michael D. Beck</i>
Date	August 29, 2001

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Signature	<i>Susan Blumer</i>	Date	Aug. 29, 2001

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